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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,886	11/08/2000	Lawrence R. Andrews	3700-2	9840

7590 07/31/2002
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1100 North Glebe Road
8th Floor
Arlington, VA 22201-4714

EXAMINER

LUK, EMMANUEL S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/707,886	ANDREWS, LAWRENCE R.	
	Examiner	Art Unit	
	Emmanuel S. Luk	1722	

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:
48. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, it is indefinite how one of the first and second structures sandwich a portion of the other structure when both structures are on one of the mold parts, and the mold parts being movable along a mold movement path with respect to one another. It is unclear how structure can be related as recited in the claims and thus the claims are indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nowicki et al in view of Talasz.

Nowicki teaches a blow molding mold with a first mold part (32) and second mold part (30) that moves in a mold movement direction with respect to one another, the third mold part (94) forms the bottom of the article and is in conjunction with a guide mechanism (34), a first structure that is fixed to one of the mold parts (74), a second structure fixed to a moveable mold part (34), the first structure sandwiching at least a portion of the second structure (Fig. 2), a spring (94) applying a preload pressure to the second structure in a direction normal to the mold movement direction, a return spring (46) for biasing the moveable mold part in a direction away from the mold forming

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position, and a cam (76,78, 84,86) for moving the moveable mold part, in opposition to the return spring bias, to the directions towards the mold forming position,

Nowicki fails to teach ball bearings between the first and second structures, specific mold parts (top half, bottom half and end plug or moveable upper mold half and fixed lower mold half), roller bearing cage, and cam surfaces.

Talasz teaches rollers (12) located on guide rails (10) for guiding the mold supports (13) to bring the molds (7) into open and closed positions (1). The rollers are located on racks (11) and are acting similarly to ball bearings that are located in a ball bearing cage. Nowicki et al can be modified to allow the movement of the mold part to be on ball bearings, or rollers, to facilitate less wear on the moving parts due to friction. It would have been obvious to one of ordinary skill in the art to modify Nowicki with rollers as taught by Talasz between the third mold part and a structure because it would reduce the friction as the parts are moved.

In regards to the mold parts, Nowicki teaches a first and second mold part that are brought together in molding position. A third mold part is the end plug that forms the bottom of the container. It would have been obvious to one of ordinary skill in the art to modify Nowicki with having the first and second mold parts rotated to become the upper and lower mold halves. This is merely a change in the parts location by rotation when operation of the apparatus is not otherwise modified. In re Japikse, 86 USPQ 70 (CCPA 1950).

In regards to the cam surfaces, Nowicki teaches inclined surfaces that are planar in respect to each other. It would have been obvious to one of ordinary skill in the art to

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modify the cam surfaces to be slightly curved as a change in the shape. In re Dailey et al, 149 USPQ 47 (CCPA 1966).

Conclusion

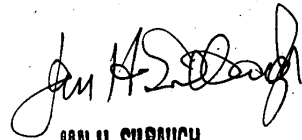
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ott et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (703) 305-1558. The examiner can normally be reached on Mondays through Thursdays from 6:30 AM to 4:00 PM and alternate Fridays from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh can be reached on (703) 308-3829. The Rightfax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

E. L.
July 25, 2002


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT 1722

07/25/02